



STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

As 'n Nuusblad by die Poskantoor Geregistreer

Registered at the Post Office as a Newspaper

Verkoopprijs • Selling price
(AVB uitgesluit/GST excluded)

Plaaslik **50c** Local
Buitelands 70c Other countries
Posvry • Post free

Vol. 276

KAAPSTAD, 24 JUNIE 1988

CAPE TOWN, 24 JUNE 1988

No. 11366

KANTOOR VAN DIE STAATSPRESIDENT

STATE PRESIDENT'S OFFICE

No. 1255.

24 Junie 1988

Hierby word bekend gemaak dat die Staatspresident sy goedkeuring geheg het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

No. 59 van 1988: Wysigingswet op die Uitbreiding van die Grense van Bepaalde State, 1988.

No. 1255.

24 June 1988

It is hereby notified that the State President has assented to the following Act which is hereby published for general information:—

No. 59 of 1988: Borders of Particular States Extension Amendment Act, 1988.

Wet No. 59, 1988

WYSIGINGSWET OP DIE UITBREIDING VAN DIE GRENSE VAN
BEPAAALDE STATE, 1988**ALGEMENE VERDUIDELIKENDE NOTA:**

_____ Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordenings aan.

WET

Tot wysiging van die Wet op die Uitbreiding van die Grense van Bepaalde State, 1980, ten einde nuwe voorsiening te maak met betrekking tot die grond wat deel van sekere state kan word.

*(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 16 Junie 1988.)*

DAAR WORD BEPAAL deur die Staatspresident en die Parlement van die Republiek van Suid-Afrika, soos volg:—

Wysiging van Bylae 2 by Wet 2 van 1980, soos gewysig deur artikel 8 van Wet 94 van 1980, artikel 1 van Wet 25 van 1983, artikel 1 van Wet 109 van 1983 en artikel 2 van Wet 112 van 1986

5

1. Bylae 2 by die Wet op die Uitbreiding van die Grense van Bepaalde State, 1980 (hieronder die Hoofwet genoem), word hierby gewysig—

(a) deur die volgende subparagrafe by paragraaf (b) onder die opskrif “Transvaal” te voeg:

“(ix) Die gebied bestaande uit die gedeeltes van die plase Zwartkopjes 427 10

JQ en Elandsfontein 440 JQ geleë binne die Republiek van Suid-Afrika en ten noorde van die noordelike spoorwegreserwegrens van die Brits-Rosslyn-spoorlyn en ten ooste van 'n lyn getrek vanaf die punt waar die Hartebeestpoort-kanaal die suidelike grens van die plaas Krokodilkraal 426 JQ sny oor Driehoeksmetingbaken No. 4260 15 op die plaas Elandsfontein 440 JQ tot waar dit die noordelike spoorwegreserwegrens van die Brits-Rosslyn-spoorlyn sny.

(x) Gedeelte 21 van die plaas Krelingspost 425 JQ.”; en

(b) deur die volgende subparagraaf by paragraaf (i) onder die opskrif “Transvaal” te voeg, terwyl die woorde na die opskrif “Distrik Pretoria” in 20 die bestaande paragraaf subparagraaf (i) word:

“(ii) Gedeelte 266 van die plaas Rietgat 105 JR, Gedeelte 3 van die plaas Rietgat 611 JR.”.

Wysiging van Bylae 3 by Wet 2 van 1980, soos gewysig deur artikel 2 van Wet 25 van 1983 en artikel 3 van Wet 112 van 1986

25

2. Bylae 3 by die Hoofwet word hierby gewysig deur die volgende subparagraaf by paragraaf (b) te voeg:

“(viii) Die Restant van Gedeelte 1, Gedeelte 3, Gedeelte 9, Gedeelte 11, Gedeelte 12, Gedeelte 13 en Gedeelte 17 van die plaas Rietvlei 130 LT.”.

BORDERS OF PARTICULAR STATES EXTENSION AMENDMENT
ACT, 1988

Act No. 59, 1988

GENERAL EXPLANATORY NOTE:

Words underlined with solid line indicate insertions in existing enactments.

ACT

To amend the Borders of Particular States Extension Act, 1980, so as to make new provision relating to the land that may become a part of certain states.

*(Afrikaans text signed by the State President.)
(Assented to 16 June 1988.)*

BE IT ENACTED by the State President and the Parliament of the Republic of South Africa, as follows:—

Amendment of Schedule 2 to Act 2 of 1980, as amended by section 8 of Act 94 of 1980, section 1 of Act 25 of 1983, section 1 of Act 109 of 1983 and section 2 of Act 112 of 1986

- 5 1. Schedule 2 to the Borders of Particular States Extension Act, 1980 (hereinafter referred to as the principal Act), is hereby amended—
- (a) by the addition to paragraph (b) under the heading "Transvaal" of the following subparagraphs:
- 10 "(ix) The area comprising the portions of the farms Zwartkopjes 427 JQ and Elandsfontein 440 JQ situated within the Republic of South Africa and north of the northern railway reserve boundary of the Brits-Rosslyn railway line and east of a line drawn from the point where the Hartebeestpoort canal intersects the southern boundary of the farm Krokodilkraal 426 JQ over Trigonometrical Beacon No. 4260 on the
- 15 farm Elandsfontein 440 JQ to the point where it intersects the northern railway reserve boundary of the Brits-Rosslyn railway line.
- (x) Portion 21 of the farm Krelingspost 425 JQ."; and
- (b) by the addition of the following subparagraph to paragraph (i) under the heading "Transvaal", the words following the heading "District of
- 20 Pretoria" in the existing paragraph becoming subparagraph (i):
- "(ii) Portion 266 of the farm Rietgat 105 JR, Portion 3 of the farm Rietgat 611 JR."

Amendment of Schedule 3 to Act 2 of 1980, as amended by section 2 of Act 25 of 1983 and section 3 of Act 112 of 1986

- 25 2. Schedule 3 to the principal Act is hereby amended by the addition of the following subparagraph to paragraph (b):
- "(viii) The Remainder of Portion 1, Portion 3, Portion 9, Portion 11, Portion 12, Portion 13 and Portion 17 of the farm Rietvlei 130 LT."

Wet No. 59, 1988

WYSIGINGSWET OP DIE UITBREIDING VAN DIE GRENSE VAN
BEPAAALDE STATE, 1988

Wysiging van Bylae 4 by Wet 2 van 1980, soos bygevoeg deur artikel 3 van Wet 25 van 1983 en gewysig deur artikel 4 van Wet 112 van 1986

3. Bylae 4 by die Hoofwet word hierby gewysig—

(a) deur die volgende subparagraaf by paragraaf (a) te voeg:

“(vi) Die Restant van Gedeelte 11 van Plaas 832.”; en

(b) deur die volgende subparagraawe by paragraaf (g) te voeg:

“(iii) Die gebied bestaande uit die volgende: Plase 1, 2, 3, 4, 5, 384, 385, 386, 389, 391, 392, 393, 394, 395, 396, 476 en 1886.

(iv) Die gebied bestaande uit die volgende: Van die noordelikste baken van die plaas Peeltonrail 2137, Administratiewe Distrik King William's Town, aan die internasionale grens tussen die Republiek van Suid-Afrika en die Republiek Ciskei; daarvandaan suidweswaarts, suidooswaarts en algemeen suidweswaarts met die grense van die volgende plase langs sodat hulle uit hierdie gebied uitgesluit word: Plaas 1827, Plaas 1824, Plaas 1868, en Plaas 2140 tot by die suidwestelike baken van laasgenoemde plaas, aan die internasionale grens tussen die Republiek van Suid-Afrika en die Republiek Ciskei; daarvandaan noordwaarts en algemeen noordooswaarts met genoemde internasionale grens langs tot by die noordelikste baken van die plaas Peeltonrail 2137, die beginpunt.

“(v) Erf 4954 ('n gedeelte van Erf 227).”.

Kort titel en inwerkingtreding

4. (1) Hierdie Wet heet die Wysigingswet op die Uitbreiding van die Grense van Bepaalde State, 1988, en tree in werking op 'n datum wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal.

(2) Verskillende datums kan aldus ten opsigte van verskillende bepalings van hierdie Wet bepaal word.

BORDERS OF PARTICULAR STATES EXTENSION AMENDMENT
ACT, 1988

Act No. 59, 1988

Amendment of Schedule 4 to Act 2 of 1980, as added by section 3 of Act 25 of 1983 and amended by section 4 of Act 112 of 1986

3. Schedule 4 to the principal Act is hereby amended—

- 5 (a) by the addition to paragraph (a) of the following subparagraph:
“(vi) The Remainder of Portion 11 of Farm 832.”; and
- (b) by the addition to paragraph (g) of the following subparagraphs:
10 “(iii) The area comprising the following: Farms 1, 2, 3, 4, 5, 384, 385, 386,
389, 391, 392, 393, 394, 395, 396, 476 and 1886.
- 15 (iv) The area comprising the following: From the northernmost beacon of
the farm Peeltonrail 2137, Administrative District of King William’s
Town, on the international boundary between the Republic of South
Africa and the Republic of Ciskei; thence south-westwards, south-
eastwards and generally south-westwards along the boundaries of the
following farms so as to exclude them from this area: Farm 1827, Farm
20 1824, Farm 1868 and Farm 2140 to the south-western beacon of the
last-mentioned farm on the international boundary between the Re-
public of South Africa and the Republic of Ciskei; thence northwards
and generally north-eastwards along the said international boundary to
the northernmost beacon of the farm Peeltonrail 2137, the point of
beginning.

(v) Erf 4954 (a portion of Erf 227).”.

Short title and commencement

4. (1) This Act shall be called the Borders of Particular States Extension
Amendment Act, 1988, and shall come into operation on a date fixed by the State
25 President by proclamation in the *Gazette*.

(2) Different dates may be so fixed in respect of different provisions of this Act.

WET

Om voorsiening te maak vir die verbod of beheer van sekere sakepraktyke; en vir aangeleenthede wat daarmee in verband staan.

*(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 21 Junie 1988.)*

DAAR WORD BEPAAL deur die Staatspresident en die Parlement van die Republiek van Suid-Afrika, soos volg:—

Woordomskrywing

1. In hierdie Wet, tensy uit die samehang anders blyk, beteken—
 - (i) “bate” enige prys, beloning, geskenk, diens, begunstiging, vry toegang of 5
toegang teen ’n verlaagde prys tot ’n plek van vermaak, kostelose verseke-
ring of versekering teen ’n verlaagde tarief, of enige ander bate of voordeel
van watter aard ook al; (i)
 - (ii) “besigheid” enige besigheid, onderneming of persoon wat enige handels-
artikel aanbied, verskaf of beskikbaar stel; (ii) 10
 - (iii) “handelsartikel” enige saak, hetsy liggaamlik of onliggaamlik en hetsy
roerend of onroerend, en ook enige fabrikaat of merk van enige handels-
artikel en enige diens, hetsy persoonlik, professioneel of andersins, met
inbegrip van enige opbergings-, vervoer-, versekerings- of bankdiens; (v)
 - (iv) “handelskoepon” enige voorwerp hoegenaamd wat, of alleen of in verband 15
met enige ander voorwerp of enige handeling, die houer daarvan die reg
gee of heet te gee om enige bate te ontvang of deel te neem aan ’n
kompetisie om enige bate; (xiii)
 - (v) “hierdie Wet” ook enige kennisgewing daarkragtens gepubliseer of gegee
en enige regulasie; (xii) 20
 - (vi) “komitee” die Sakepraktykekomitee by artikel 2 ingestel; (iv)
 - (vii) “Minister” die Minister van Ekonomiese Sake en Tegnologie; (ix)
 - (viii) “ondersoekbeampte” ’n ondersoekbeampte kragtens artikel 7 (1) aange-
stel; (viii)
 - (ix) “regulasie” ’n regulasie kragtens artikel 16 uitgevaardig; (x) 25
 - (x) “sakepraktyk” ook—
 - (a) enige ooreenkoms, reëling of verstandhouding, hetsy regtens afdwing-
baar of nie, tussen twee of meer persone;
 - (b) enige skema, praktyk of handelsmetode, met inbegrip van enige
metode van bemarking of distribusie; 30
 - (c) enige reklame of tipe reklame;
 - (d) enige handeling of versuim deur enigiemand, hetsy hy onafhanklik of
tesame met enigiemand anders optree;
 - (e) enige toestand wat uit die bedrywighede van enige persoon of klas of
groep persone ontstaan, 35
maar nie ook ’n praktyk nie wat volgens die oordeel van die Minister ’n
beperkende praktyk, ’n verkryging of ’n monopoliesituasie is soos omskryf
in artikel 1 van die Wet op die Handhawing en Bevordering van Mede-
dinging, 1979 (Wet No. 96 van 1979); (iii)
 - (xi) “skadelike sakepraktyk” enige sakepraktyk wat regstreeks of onregstreeks 40
die uitwerking het of waarskynlik sal hê om—
 - (a) die verhoudinge tussen besighede en verbruikers te skaad;
 - (b) enige verbruiker onredelik te benadeel; of
 - (c) enige verbruiker te mislei; (vii)
 - (xii) “spesiale hof” ’n hof ingestel kragtens artikel 13 (2); (xi) 45

ACT

To provide for the prohibition or control of certain business practices; and for matters connected therewith.

*(Afrikaans text signed by the State President.)
(Assented to 21 June 1988.)*

BE IT ENACTED by the State President and the Parliament of the Republic of South Africa, as follows:—

Definitions

1. In this Act, unless the context otherwise indicates—

- 5 (i) “benefit” means any prize, reward, gift, service, concession, free admittance or admittance at a reduced charge to a place of entertainment, free insurance or insurance at a reduced rate, or any other benefit or advantage of any kind whatsoever; (i)
- 10 (ii) “business” means any business, undertaking or person who offers, supplies or makes available any commodity; (ii)
- (iii) “business practice” includes—
- (a) any agreement, arrangement or understanding, whether legally enforceable or not, between two or more persons;
- 15 (b) any scheme, practice or method of trading, including any method of marketing or distribution;
- (c) any advertising or type of advertising;
- (d) any act or omission on the part of any person, whether acting independently or in concert with any other person;
- 20 (e) any situation arising out of the activities of any person or class or group of persons,
- but does not include a practice which in the opinion of the Minister is a restrictive practice, an acquisition or a monopoly situation as defined in section 1 of the Maintenance and Promotion of Competition Act, 1979 (Act No. 96 of 1979); (x)
- 25 (iv) “committee” means the Business Practices Committee established by section 2; (vi)
- (v) “commodity” means any property, whether corporeal or incorporeal and whether movable or immovable, and also any make or brand of any commodity and any service, whether personal, professional or otherwise, including any storage, transportation, insurance or banking service; (iii)
- 30 (vi) “consumer” means a person to whom any commodity is offered, supplied or made available; (xiii)
- (vii) “harmful business practice” means any business practice which, directly or indirectly, has or is likely to have the effect of—
- 35 (a) harming the relations between businesses and consumers;
- (b) unreasonably prejudicing any consumer; or
- (c) deceiving any consumer; (xi)
- (viii) “investigating officer” means an investigating officer appointed under section 7 (1); (viii)
- 40 (ix) “Minister” means the Minister of Economic Affairs and Technology; (vii)
- (x) “regulation” means a regulation made under section 16; (ix)
- (xi) “special court” means a court established under section 13 (2); (xii)
- (xii) “this Act” includes any notice published or given thereunder and any regulation; (v)

Wet No. 71, 1988

WET OP SKADELIKE SAKEPRAKTYKE, 1988

- (xiii) "verbruiker" 'n persoon aan wie enige handelsartikel aangebied, verskaf of beskikbaar gestel word. (vi)

Sakepraktykekomitee

2. (1) Daar word hierby 'n komitee ingestel wat bekend staan as die Sakepraktykekomitee. 5

(2) Die komitee bestaan uit minstens vier en hoogstens sewe lede deur die Minister aangestel op grond van hul besondere kennis van verbruikersake of kennis van of ondervinding in die ekonomie, die nywerheid, die handel, die regte of die bestuur van openbare sake, van wie die Minister een as voorsitter aanwys.

(3) Wanneer die voorsitter om die een of ander rede nie in staat is om sy 10 werksaamhede te verrig nie, of wanneer die amp van voorsitter vakant is, neem 'n lid van die komitee deur die Minister aangewys, as voorsitter waar.

(4) Die Minister kan, indien hy dit dienstig ag, iemand vir 'n besondere doel as bykomende lid van die komitee aanstel op die voorwaardes en vir die tydperk wat hy bepaal. 15

(5) 'n Lid van die komitee—

- (a) beklee sy amp vir die tydperk, maar hoogstens drie jaar, en op die voorwaardes wat die Minister ten tyde van sy aanstelling bepaal;
- (b) wat nie in die heeltidse diens van die Staat is nie, word in verband met die bedrywighede van die komitee die besoldiging en toelaes betaal wat die 20 Minister met die instemming van die Minister van Finansies bepaal;
- (c) ontruim sy amp indien hy as lid bedank of indien die Minister te eniger tyd sy ampstermyn as lid beëindig indien daar volgens die oordeel van die Minister gegronde redes daarvoor is;
- (d) kan by die verstryking van sy ampstermyn deur tydsverloop heraangestel 25 word.

(6) (a) Geen heeltidse lid van die komitee mag sonder die toestemming van die Minister diens vir enigiemand anders teen vergoeding verrig nie.

(b) Enigiemand wat paragraaf (a) oortree, is aan 'n misdryf skuldig.

(7) (a) Die vergaderings van die komitee word gehou op die tye en plekke wat die 30 voorsitter bepaal.

(b) Die persoon wat op 'n vergadering van die komitee voorsit, bepaal die prosedure op die vergadering.

(c) Die besluit van 'n meerderheid van die lede van die komitee wat op 'n vergadering daarvan aanwesig is, maak die besluit van die komitee uit. 35

(d) Geen verrigtinge van die komitee is ongeldig nie bloot op grond daarvan dat 'n vakature in die komitee bestaan het of dat 'n lid nie gedurende die verrigtinge of enige deel daarvan aanwesig was nie.

(8) Die administratiewe werk wat voortspruit uit die verrigting van die komitee se werksaamhede word verrig deur beamptes van die Departement van Handel en Nywerheid wat vir dié doel deur die Direkteur-generaal: Handel en Nywerheid aangewys word.

Subkomitee

3. (1) Die komitee kan—

- (a) met die toestemming van die Minister, 'n subkomitee aanstel, bestaande uit 45 minstens twee lede van die komitee;
- (b) enige bevoegdheid wat by hierdie Wet aan hom verleen word, aan die subkomitee deleger, of die subkomitee magtig om enige plig te verrig wat die komitee by hierdie Wet opgelê is, of in die algemeen of in 'n besondere geval of in gevalle van 'n besondere aard. 50

(2) Die komitee moet—

(a) met die toestemming van die Minister, een van die lede van die subkomitee as voorsitter daarvan aanwys;

(b) die kworum vir en die prosedure op vergaderings van die subkomitee bepaal. 55

HARMFUL BUSINESS PRACTICES ACT, 1988

Act No. 71, 1988

- (xiii) "trade coupon" means anything whatsoever which, either by itself or in connection with any other thing or any act, entitles or purports to entitle the holder thereof to receive, or to participate in a competition for, any benefit. (iv)

5 Business Practices Committee

2. (1) There is hereby established a committee to be known as the Business Practices Committee.

(2) The committee shall consist of not fewer than four and not more than seven members appointed by the Minister on the grounds of having special knowledge of consumer affairs or knowledge of or experience in economics, industry, commerce, law or the conduct of public affairs, of whom the Minister shall designate one as chairman.

(3) When for any reason the chairman is not able to perform his functions, or when there is a vacancy in the office of the chairman, a member of the committee designated by the Minister shall act as chairman.

(4) The Minister may, if he sees fit, appoint, on such conditions and for such period as he may determine, a person as an additional member of the committee for a particular purpose.

(5) A member of the committee—

(a) shall hold office for such period, but not exceeding three years, and on such conditions as the Minister may determine at the time of his appointment;

(b) who is not in the full-time service of the State, shall in connection with the activities of the committee be paid such remuneration and allowances as the Minister may determine with the concurrence of the Minister of Finance;

(c) shall vacate his office if he resigns as a member or if the Minister at any time terminates his period of office as a member if in the opinion of the Minister there are sound reasons for doing so;

(d) may be reappointed at the expiry of his period of office by effluxion of time.

(6) (a) No full-time member of the committee shall without the consent of the Minister perform work for anybody else for remuneration.

(b) Any person who contravenes paragraph (a) shall be guilty of an offence.

(7) (a) The meetings of the committee shall be held at such times and places as the chairman may determine.

(b) The person presiding at a meeting of the committee shall determine the procedure at the meeting.

(c) The decision of a majority of the members of the committee present at a meeting thereof shall constitute the decision of the committee.

(d) No proceedings of the committee shall be invalid by reason only of the fact that a vacancy existed in its membership or that a member was not present during the proceedings or any part thereof.

(8) The administrative work arising from the performance of the committee's functions shall be performed by officers of the Department of Trade and Industry designated for that purpose by the Director-General: Trade and Industry.

Subcommittee

3. (1) The committee may—

(a) with the consent of the Minister, appoint a subcommittee, consisting of at least two members of the committee;

(b) delegate any power conferred on it by this Act to the subcommittee, or authorize the subcommittee to perform any duty imposed on the committee by this Act, either in general or in a particular case or in cases of a particular nature.

(2) The committee shall—

(a) with the consent of the Minister, designate one of the members of the subcommittee as chairman thereof;

(b) determine the quorum for and the procedure at meetings of the subcommittee.

Wet No. 71, 1988

WET OP SKADELIKE SAKEPRAKTYKE, 1988

Werkzaamhede van komitee**4. Die komitee moet—**

- (a) van tyd tot tyd inligting omtrent gangbare beleid met betrekking tot skadelike sakepraktyke bekend maak, om te dien as algemene leidrade;
- (b) vertoë met betrekking tot enige aangeleentheid waarmee die komitee ingevolge hierdie Wet kan handel, ontvang en afhandel; en
- (c) enige ander werksaamheid wat hom by hierdie Wet opgedra is, verrig.

Prosedure by ondersoek**5. (1) Vir die doeleindes van 'n ondersoek ingevolge hierdie Wet—**

- (a) kan die voorsitter van die komitee enige persoon wat vermoed word in staat te wees om enige inligting oor die onderwerp van die ondersoek te verstrek of enige boek, stuk of ander voorwerp wat op daardie onderwerp betrekking het, in sy besit of onder sy beheer te hê, dagvaar om op 'n tyd en plek in die dagvaarding vermeld, voor die komitee te verskyn om ondervra te word of om daardie boek, stuk of ander voorwerp oor te lê; en
- (b) kan die komitee daardie persoon ondervra onder eed of bevestiging opgelê deur die voorsitter, en so 'n boek, stuk of ander voorwerp insien of vir insae hou.

(2) Iemand van wie 'n boek, stuk of ander voorwerp kragtens subartikel (1) (b) weggeneem is, moet, so lank as dié boek, stuk of voorwerp in die besit van die komitee is, op sy versoek toegelaat word om op sy eie koste en onder die toesig van 'n ondersoekbeampte te enige redelike tyd afskrifte daarvan of uittreksels daaruit te maak.

(3) 'n Dagvaarding aan iemand om voor die komitee te verskyn of om aan die komitee 'n boek, stuk of ander voorwerp oor te lê, moet in die vorm wees wat by regulasie voorgeskryf is, moet deur die voorsitter van die komitee of iemand deur hom aangewys, onderteken wees en moet op die wyse aldus voorgeskryf, beteken word.

(4) Enigiemand wat gedagvaar is om te verskyn voor, of om 'n boek, stuk of ander voorwerp oor te lê aan, die komitee en wat—

- (a) sonder voldoende rede (waaryn die bewyslas op hom rus) versuim om op die tyd en plek in die dagvaarding vermeld, te verskyn of om aanwesig te bly totdat die voorsitter hom verlof gegee het om weg te bly;
- (b) by sy verskyning voor die komitee weier om die eed af te lê of 'n bevestiging te doen nadat hy deur die voorsitter gevra is om dit te doen;
- (c) na eedaflegging of bevestiging—
 - (i) versuim om enige vraag wat wettig aan hom gestel is ten volle en op bevredigende wyse te beantwoord;
 - (ii) versuim om 'n boek, stuk of ander voorwerp oor te lê wat in sy besit of onder sy beheer is en wat hy volgens voorskrif van sy dagvaarding moet oorlê;
 - (iii) valse getuienis aflê in die wete dat daardie getuienis vals is of terwyl hy nie weet of nie dink dat dit juis is nie, is aan 'n misdryf skuldig.

(5) Die reg aangaande privilegie soos toepaslik op 'n getuie wat voor 'n provinsiale afdeling van die Hooggeregshof van Suid-Afrika getuienis aflê of gedagvaar is om 'n boek, stuk of ander voorwerp daaraan oor te lê, is van toepassing met betrekking tot enigiemand wat kragtens hierdie artikel gedagvaar word.

Komitee kan opgawes vereis

6. (1) Ten einde die komitee in staat te stel om sy werksaamhede behoorlik te verrig, kan hy enige persoon by skriftelike kennisgewing gelas om binne 'n tydperk in die kennisgewing vermeld, of van tyd tot tyd op die tye of binne die tydperke aldus vermeld, aan die komitee 'n skriftelike opgawe te verstrek waarin in besonderhede die inligting ten opsigte van die besigheid of bedrywighede van daardie persoon aangegee word wat in die kennisgewing vermeld staan, met inbegrip van inligting aangaande—

- (a) enige ooreenkoms wat daardie persoon te eniger tyd met enigiemand anders aangegaan het of voornemens is om aan te gaan, of waarby hy te eniger tyd betrokke was;
- (b) enige reëling of verstandhouding waarby daardie persoon of enige besigheid waarby hy betrokke is of was, 'n party is of te eniger tyd was.

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Functions of committee**4. The committee shall—**

- (a) from time to time make known information on current policy in relation to harmful business practices, to serve as general guidelines;
- 5 (b) receive and dispose of representations in relation to any matter with which the committee may deal in terms of this Act; and
- (c) perform any other function assigned to it by this Act.

Procedure at investigations**5. (1) For the purposes of an investigation in terms of this Act—**

- 10 (a) the chairman of the committee may summon any person who is believed to be able to furnish any information on the subject of the investigation or to have in his possession or under his control any book, document or other object which refers to that subject, to appear before the committee at a time and place specified in the summons, to be questioned or to produce
- 15 that book, document or other object; and
- (b) the committee may question that person under oath or affirmation administered by the chairman, and examine or retain for examination such a book, document or other object.

(2) A person from whom a book, document or other object has been taken under subsection (1) (b) shall, so long as that book, document or object is in the possession of the committee, at his request be allowed, at his own expense and under the supervision of an investigating officer, to make copies thereof or to take extracts therefrom at any reasonable time.

(3) A summons for the appearance of a person before the committee or for the production to the committee of a book, document or other object, shall be in the form prescribed by regulation, shall be signed by the chairman of the committee or a person designated by him and shall be served in the manner so prescribed.

(4) Any person who has been summoned to appear before, or to produce a book, document or other object to, the committee and who—

- 30 (a) without sufficient cause (the onus of proof of which shall rest upon him) fails to appear at the time and place specified in the summons or to remain in attendance until he is excused by the chairman from further attendance;
- (b) at his appearance before the committee refuses to be sworn or to make an affirmation after he has been asked by the chairman to do so;
- 35 (c) having been sworn or having made affirmation—
 - (i) fails to answer fully and satisfactorily any question lawfully put to him;
 - (ii) fails to produce a book, document or other object in his possession or under his control which he has been summoned to produce;
 - 40 (iii) gives false evidence knowing that evidence to be false or not knowing or not believing it to be true,

shall be guilty of an offence.

(5) The law regarding privilege as applicable to a witness giving evidence before, or summoned to produce a book, document or other object to, a provincial division of the Supreme Court of South Africa, shall apply in relation to any person

45 summoned under this section.

Committee may require returns

6. (1) To enable the committee properly to perform its functions, it may by notice in writing direct any person to furnish the committee, within a period specified in the notice, or from time to time at the times or within the periods so specified, with a

50 written return showing in detail such information in respect of the business or activities of that person as may be specified in the notice, including information regarding—

- (a) any agreement which that person may at any time have entered into or intend to enter into with any other person, or in which he may at any time
- 55 have been concerned;
- (b) any arrangement or understanding to which that person or any business in which he is or was concerned, may be or may at any time have been a party.

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(2) Niemand mag in 'n kennisgewing kragtens subartikel (1) gelas word om 'n opgawe in daardie kennisgewing vermeld, binne 'n tydperk van minder as 14 dae na die datum van die kennisgewing aan die komitee te verstrek nie.

(3) Enigiemand wat versuim om aan 'n kennisgewing kragtens subartikel (1) te voldoen, of wat in antwoord op so 'n kennisgewing wetens inligting verstrek wat in 'n wesenlike opsig vals is, is aan 'n misdryf skuldig. 5

Onderzoekbeamptes

7. (1) Die komitee kan persone wat hy geskik ag, as onderzoekbeamptes aanstel.

(2) 'n Onderzoekbeampte wat nie in die heeltidse diens van die Staat is nie word, behoudens die wette met betrekking tot die staatsdiens, aangestel op die voor- 10 waardes en teen die besoldiging wat die Minister met die instemming van die Minister van Finansies bepaal.

(3) Ten einde vas te stel of hierdie Wet nagekom word deur enigiemand op wie dit van toepassing is, of ter verkryging van enige inligting deur die komitee verlang met betrekking tot 'n ondersoek deur hom ingevolge hierdie Wet, kan 'n ondersoek- 15 beampte te alle redelike tye enige perseel betree waarop of waarin daar wel of vermoedelik enige handelsartikel, boek, staat of ander stuk is wat in verband staan met daardie nakoming of inligting, en hy kan—

- (a) daardie perseel inspekteer of deursoek;
- (b) inligting aangaande daardie handelsartikel aanvra van die eienaar of 20 persoon in beheer van daardie perseel;
- (c) 'n boek, staat of ander stuk wat in of op daardie perseel gevind word en wat wel of vermoedelik betrekking het op enige sakepraktyk wat by so 'n ondersoek deur die komitee ter sake mag wees, ondersoek of afskrifte daarvan of uittreksels daaruit maak; 25

(d) van die eienaar of persoon in beheer van daardie perseel of van enigiemand in wie se besit of beheer daardie boek, staat of ander stuk is, 'n verklaring van enige inskrywing daarin aanvra.

(4) (a) 'n Onderzoekbeampte moet voorsien word van 'n aanstellingsertifikaat wat deur of namens die voorsitter van die komitee onderteken is en waarin 30 verklaar word dat hy as 'n ondersoekbeampte ingevolge hierdie Wet aangestel is.

(b) Wanneer 'n ondersoekbeampte enige werksaamheid kragtens hierdie Wet verrig, moet hy sy aanstellingsertifikaat in sy besit hê en dit toon op versoek van enigiemand wat deur die verrigting van daardie werksaamheid geraak 35 word.

(5) Enigiemand wat—

- (a) 'n ondersoekbeampte by die verrigting van sy werksaamhede kragtens hierdie artikel, belemmer of hinder;
- (b) wanneer 'n ondersoekbeampte van hom 'n verklaring of inligting aanvra 40 met betrekking tot 'n aangeleentheid waarvan hy kennis dra, weier of versuim om daardie verklaring of inligting te verstrek of 'n verklaring of inligting verstrek wat vals of misleidend is, terwyl hy weet dat dit vals of misleidend is; of

(c) hom valslik as 'n ondersoekbeampte voordoen, 45
is aan 'n misdryf skuldig.

Ondersoeke deur komitee

8. (1) Behoudens subartikel (2) kan die komitee op eie inisiatief, en moet die komitee in opdrag van die Minister, die ondersoek instel wat die komitee nodig ag—

- (a) na enige skadelike sakepraktyk wat die komitee of die Minister, na gelang 50 van die geval, rede het om te vermoed bestaan of mag ontstaan;
- (b) na enige sakepraktyk of tipe sakepraktyk, in die algemeen of met betrekking tot 'n besondere handelsartikel of enige klas of soort handelsartikel of 'n besondere besigheid of enige klas of tipe besigheid of 'n besondere gebied, wat volgens die oordeel van die komitee of die Minister, na gelang 55 van die geval, gewoonlik vir die doeleindes van of in verband met die skepping of handhawing van skadelike sakepraktyke aangewend word;
- (c) na die prys van, of enige prysverhoging, vermindering van afslag of metode om pryse vas te stel met betrekking tot, enige handelsartikel.

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(2) No person shall in a notice under subsection (1) be directed to furnish the committee with a return specified in that notice within a period of less than 14 days after the date of the notice.

(3) Any person who fails to comply with a notice under subsection (1), or who in response to such a notice knowingly furnishes information which is false in a material respect, shall be guilty of an offence.

Investigating officers

7. (1) The committee may appoint persons whom it considers suitable, as investigating officers.

10 (2) An investigating officer who is not in the full-time service of the State shall, subject to the laws relating to the public service, be appointed on such conditions and at such remuneration as the Minister may determine with the concurrence of the Minister of Finance.

(3) In order to ascertain whether this Act is being observed by any person to whom it applies, or to obtain any information required by the committee in relation to an investigation by it in terms of this Act, an investigating officer may at all reasonable times enter any premises on or in which any commodity, book, statement or other document connected with that observation or information is or is suspected to be, and may—

- 20 (a) inspect or search those premises;
(b) request information regarding that commodity from the owner or person in charge of those premises;
(c) examine or make copies of, or take extracts from, any book, statement or other document found in or upon those premises and which refers or is
25 suspected to refer to any business practice which may be relevant at such an investigation by the committee;
(d) request from the owner or person in charge of those premises or from any person in whose possession or charge that book, statement or other document is, an explanation of any entry therein.

30 (4) (a) An investigating officer shall be provided with a certificate of appointment signed by or on behalf of the chairman of the committee and in which it is stated that he has been appointed as an investigating officer in terms of this Act.

35 (b) When an investigating officer performs any function under this Act, he shall have his certificate of appointment in his possession and show it at the request of any person affected by the performance of that function.

(5) Any person who—

- (a) obstructs or hinders an investigating officer in the performance of his functions under this section;
40 (b) when an investigating officer asks him for an explanation or information relating to a matter within his knowledge, refuses or fails to give that explanation or information or gives an explanation or information which is false or misleading, knowing it to be false or misleading; or
(c) falsely represents himself to be an investigating officer,
45 shall be guilty of an offence.

Investigations by committee

8. (1) Subject to subsection (2), the committee may on its own initiative, and shall on the directions of the Minister, make such investigation as it may consider necessary—

- 50 (a) into any harmful business practice which the committee or the Minister, as the case may be, has reason to believe exists or may come into existence;
(b) into any business practice or type of business practice, in general or in relation to a particular commodity or any class or kind or commodity or a particular business or any class or type of business or a particular area,
55 which in the opinion of the committee or the Minister, as the case may be, is commonly applied for the purposes of or in connection with the creation or maintenance of harmful business practices;
(c) into the price of, or any price increase, reduction of discount or method of fixing prices in relation to, any commodity.

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(2) 'n Onderzoek ingevolge subartikel (1) word nie deur die komitee op eie inisiatief ingestel of voortgesit indien so 'n ondersoek volgens die oordeel van die Minister nie in die openbare belang is nie.

(3) Waar enige stappe kragtens subartikel (5) van hierdie artikel deur die Minister voorgeskryf word, moet die komitee binne drie maande vanaf die datum van die kennisgewing in subartikel (4) van hierdie artikel beoog aan die Minister ingevolge artikel 10 (1) verslag doen oor die uitslag van die ondersoek, of oor enige reëling wat kragtens artikel 9 getref is.

(4) Die komitee moet by kennisgewing in die *Staatskoerant* kennis gee en besonderhede verstrek van enige ondersoek wat hy voornemens is om ingevolge subartikel (1) in te stel, en voorts kennis gee dat enigiemand binne 'n tydperk in die kennisgewing vermeld van nie minder nie as 14 dae vanaf die datum van die kennisgewing, skriftelike versoë aangaande die ondersoek tot die komitee kan rig.

(5) Nadat so 'n kennisgewing wat betrekking het op 'n ondersoek ingevolge subartikel (1) (a), gepubliseer is en voordat die tersaaklike verslag aan hom voorgelê word, kan die Minister, op aanbeveling van die komitee, by kennisgewing in die *Staatskoerant* vir 'n tydperk in die kennisgewing vermeld, maar hoogstens die tydperk van drie maande in subartikel (3) bedoel, die stappe voorskryf wat volgens die oordeel van die Minister gedoen moet word om enige skadelike sakepraktyk wat die onderwerp van die ondersoek is en wat die Minister rede het om te vermoed bestaan of mag ontstaan, op te skort of te voorkom.

(6) 'n Kennisgewing kragtens subartikel (5) kan op aanbeveling van die komitee te eniger tyd deur die Minister gewysig of ingetrek word, en is nie aan hersiening deur of appèl na enige geregshof onderworpe nie.

(7) Enigiemand wat 'n kennisgewing kragtens subartikel (5) oortree of versuim om daaraan te voldoen, is aan 'n misdryf skuldig.

Onderhandelinge deur komitee

9. (1) Wanneer die komitee 'n kennisgewing ingevolge artikel 8 (4) uitgereik het met betrekking tot 'n ondersoek ingevolge artikel 8 (1) (a), kan hy te eniger tyd daarna met enige persoon of liggaam, met of sonder regs persoonlikheid, onderhandel ten einde 'n reëling te tref wat volgens die oordeel van die komitee die beëindiging van 'n skadelike sakepraktyk wat bestaan of mag ontstaan en wat die onderwerp van die ondersoek is, sal verseker, hetsy geheel en al of vir sover dit volgens die oordeel van die komitee nie in die openbare belang geregverdig is nie.

(2) Indien die komitee so 'n reëling getref het, doen hy aan die Minister verslag daaroor.

Verslae deur komitee

10. (1) Die komitee moet aan die Minister verslag doen oor die uitslag van enige ondersoek ingevolge artikel 8 (1) deur hom ingestel.

(2) Indien die komitee—

(a) na 'n ondersoek ingevolge artikel 8 (1) (a)—

(i) van oordeel is dat 'n skadelike sakepraktyk bestaan, of te eniger tyd na die datum van die kennisgewing ingevolge artikel 8 (4) bestaan het, of mag ontstaan;

(ii) nie oortuig is dat daardie skadelike sakepraktyk in die openbare belang geregverdig is nie; en

(iii) nie met die betrokke party of partye 'n reëling getref het wat ingevolge artikel 11 (2) (a) deur die Minister bekragtig is nie;

(b) na 'n ondersoek ingevolge artikel 8 (1) (c) van oordeel is dat die prys van, of enige prysverhoging, vermindering van afslag of metode om pryse vas te stel met betrekking tot, enige handelsartikel nie in die openbare belang geregverdig is nie,

moet die komitee in sy verslag by die Minister aanbeveel dat kragtens artikel 12 opgetree word soos die komitee onder die omstandighede nodig ag.

(4) Elke verslag ingevolge hierdie artikel wat volgens die oordeel van die Minister sonder benadeling van die openbare belang bekend gemaak kan word—

(a) moet so gou doenlik in die Parlement ter Tafel gelê word;

(b) kan te eniger tyd, hetsy voor of na dit in die Parlement ter Tafel gelê word of is, deur die Minister in die *Staatskoerant* gepubliseer word of op enige ander wyse wat die Minister dienstig ag, bekend gemaak word.

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(2) An investigation in terms of subsection (1) shall not be made or proceeded with by the committee on its own initiative, if in the opinion of the Minister such an investigation is not in the public interest.

(3) Where any action is prescribed by the Minister under subsection (5) of this section, the committee shall within three months from the date of the notice contemplated in subsection (4) of this section report to the Minister in terms of section 10 (1) on the result of the investigation, or on any arrangement which may have been made under section 9.

(4) The committee shall by notice in the *Gazette* make known, and furnish particulars of, any investigation which it proposes to make in terms of subsection (1), and further make known that any person may within a period specified in the notice of not fewer than 14 days from the date of the notice, make written representations regarding the investigation to the committee.

(5) After such a notice relating to an investigation in terms of subsection (1) (a) has been published and before the relevant report is submitted to him, the Minister may, on the recommendation of the committee, prescribe by notice in the *Gazette*, for a period specified in the notice, but not exceeding the period of three months referred to in subsection (3), such action as in the opinion of the Minister shall be taken to stay or prevent any harmful business practice which is the subject of the investigation and which the Minister has reason to believe exists or may come into existence.

(6) A notice under subsection (5) may, on the recommendation of the committee, be amended or withdrawn by the Minister at any time, and shall not be subject to review by or appeal to any court of law.

(7) Any person who contravenes or fails to comply with a notice under subsection (5) shall be guilty of an offence.

Negotiations by committee

9. (1) When the committee has issued a notice in terms of section 8 (4) in relation to an investigation in terms of section 8 (1) (a), it may at any time thereafter negotiate with any person or body, corporate or unincorporate, with a view to making an arrangement which in the opinion of the committee will ensure the discontinuance of a harmful business practice which exists or may come into existence and which is the subject of the investigation, either wholly or to such extent as, in the opinion of the committee, it is not justified in the public interest.

(2) If the committee has made such an arrangement, it shall report to the Minister thereon.

Reports by committee

10. (1) The committee shall report to the Minister on the result of any investigation made by it in terms of section 8 (1).

(2) If the committee—

(a) after an investigation in terms of section 8 (1) (a)—

(i) is of the opinion that a harmful business practice exists, or was in existence at any time after the date of the notice in terms of section 8 (4), or may come into existence;

(ii) is not satisfied that that harmful business practice is justified in the public interest; and

(iii) has not made an arrangement with the party or parties concerned which has been confirmed by the Minister in terms of section 11 (2) (a);

(b) after an investigation in terms of section 8 (1) (c) is of the opinion that the price of, or any price increase, reduction of discount or method of fixing prices in relation to, any commodity is not justified in the public interest, the committee shall in its report recommend to the Minister that such action be taken under section 12 (1) as it may consider necessary in the circumstances.

(4) Every report in terms of this section which in the opinion of the Minister may be made known without detriment to the public interest—

(a) shall as soon as practicable be laid upon the Tables of Parliament;

(b) may at any time, either before or after it is or was laid upon the Tables of Parliament, be published by the Minister in the *Gazette* or be made known in any other manner that the Minister may deem expedient.

Prosedure ten opsigte van reëlings deur komitee

11. (1) Die Minister kan na oorweging van 'n aanbeveling deur die komitee ingevolge artikel 10 (2) (a)—

- (a) die komitee gelas om onderhandelinge soos dié in artikel 9 (1) bedoel, te onderneem en, indien hy 'n tersaaklike reëling getref het, aan die Minister 5 daarvoor verslag te doen; en
- (b) indien die komitee hom in kennis stel dat hy dit onuitvoerbaar gevind het om met enige tersaaklike persoon of liggaam te onderhandel of nie binne 'n tydperk deur die Minister bepaal, en wat hy na goeë dunske van tyd tot tyd kan verleng, daarin geslaag het om met so 'n persoon of liggaam 'n reëling 10 te tref nie, die stappe kragtens artikel 12 (1) doen wat die komitee aanbeveel.

(2) Die Minister kan na oorweging van 'n verslag deur die komitee oor 'n reëling in artikel 9 (2) of subartikel (1) (a) van hierdie artikel beoog, indien hy dit in die openbare belang ag— 15

- (a) die reëling bekragtig, hetsy sonder wysiging of met die wysigings, as daar is, waarmee die betrokke persoon instem, en of onvoorwaardelik of onderworpe aan die voorwaardes waarmee daardie persoon instem en wat die Minister op aanbeveling van die komitee goeëvind; of
- (b) die reëling tersyde stel en kragtens artikel 12 (1) die opdragte gee of 20 vereistes voorskryf wat hy op aanbeveling van die komitee onder die omstandighede nodig ag,

en so 'n reëling of gewysigde reëling, tesame met die voorwaardes, as daar is, waarop dit bekragtig is, moet deur die Minister in die *Staatskoerant* gepubliseer word, en het daarop dieselfde uitwerking as 'n kennisgewing kragtens artikel 12 (1). 25

(3) Enigiemand wat 'n kennisgewing kragtens subartikel (2) oortree of versuim om daaraan te voldoen, is aan 'n misdryf skuldig.

Bevoegdhede van Minister na ondersoek deur komitee

12. (1) Indien die Minister, na oorweging van 'n verslag deur die komitee ingevolge artikel 10 (1) met betrekking tot 'n ondersoek ingevolge artikel 8 (1) (a), 30 van oordeel is dat 'n skadelike sakepraktyk bestaan of mag ontstaan en nie oortuig is dat die skadelike sakepraktyk in die openbare belang geregverdig is nie, en nie 'n reëling ingevolge artikel 9 (1) of 11 (1) (a) ten opsigte van die skadelike sakepraktyk getref, bekragtig het nie, kan die Minister—

- (a) die Prysbeheer versoek om kragtens die Wet op Prysbeheer, 1964 (Wet 35 No. 25 van 1964), die maksimumprys of die maksimumbedrag, na gelang van die geval, beoog in artikel 4 (1) van daardie Wet vas te stel ten opsigte van enige handelsartikel, uitgesonderd 'n versekerings- of bankdiens, wat deur die werking van daardie skadelike sakepraktyk geraak word;
- (b) by kennisgewing in die *Staatskoerant* genoemde skadelike sakepraktyk 40 onwettig verklaar, en enigiemand wat volgens die oordeel van die Minister by die skadelike sakepraktyk betrokke is, gelas om die stappe te doen, met inbegrip van stappe vir die ontbinding van enige liggaam, met of sonder regs persoonlikheid, of die verbreking van enige verband of vorm van assosiasie tussen twee of meer persone, met inbegrip van enige sodanige 45 liggame, wat die Minister nodig ag om die beëindiging of voorkoming van die skadelike sakepraktyk te verseker;
- (c) by kennisgewing in die *Staatskoerant* enigiemand wat 'n party by 'n ooreenkoms, reëling, verstandhouding of versuim is of was, of enige reklame of tipe reklame gebruik of gebruik het, of 'n skema, praktyk of 50 handelsmetode, met inbegrip van enige metode van bemarking of distribusie, toepas of toegepas het, of 'n handeling verrig of verrig het, of 'n toestand teweegbring of teweeggebring het, of enige belang in 'n besigheid of tipe besigheid het of gehad het of enige inkomste uit 'n besigheid of tipe besigheid kry of gekry het, wat volgens die oordeel van die Minister met 55 genoemde skadelike sakepraktyk in verband staan en wat in die kennisgewing vermeld word, gelas—
 - (i) om daardie ooreenkoms, reëling, verstandhouding of versuim te beëindig of om op te hou om 'n party daarby te wees;
 - (ii) om van die gebruik van daardie reklame of tipe reklame af te sien; 60
 - (iii) om van die toepassing van daardie skema, praktyk of handelsmetode af te sien;

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Procedure in respect of arrangements by committee

11. (1) The Minister may after consideration of a recommendation by the committee in terms of section 10 (2) (a)—

- 5 (a) direct the committee to undertake such negotiations as are referred to in section 9 (1) and, if it has made a relevant arrangement, to report to the Minister thereon; and
- 10 (b) if the committee advises him that it has found it impracticable to negotiate with any relevant person or body or has not within a period determined by the Minister, and which he may from time to time in his discretion extend, succeeded in making an arrangement with such a person or body, take such steps under section 12 (1) as the committee may recommend.

(2) The Minister may after consideration of a report by the committee on an arrangement contemplated in section 9 (2) or subsection (1) (a) of this section, if he considers it to be in the public interest—

- 15 (a) confirm the arrangement, either without modification or with such modifications, if any, as may be agreed to by the person concerned, and either unconditionally or subject to such conditions as may be agreed to by that person and as the Minister may on the recommendation of the committee deem fit; or
- 20 (b) set aside the arrangement and give such directions or prescribe such requirements under section 12 (1) as he may on the recommendation of the committee consider necessary under the circumstances,

and such an arrangement or modified arrangement, together with the conditions, if any, subject to which it has been confirmed, shall be published by the Minister in the

25 *Gazette*, and shall thereupon have the same effect as a notice under section 12 (1).

(3) Any person who contravenes or fails to comply with a notice under subsection (2) shall be guilty of an offence.

Powers of Minister after investigation by committee

12. (1) If the Minister, after consideration of a report by the committee in terms of section 10 (1) in relation to an investigation in terms of section 8 (1) (a), is of the opinion that a harmful business practice exists or may come into existence and is not satisfied that the harmful business practice is justified in the public interest, and has not confirmed an arrangement which may have been made in terms of section 9 (1) or 11 (1) (a) in respect of the harmful business practice, the Minister may—

- 35 (a) request the Price Controller to fix, under the Price Control Act, 1964 (Act No. 25 of 1964), the maximum price or the maximum charge, as the case may be, contemplated in section 4 (1) of that Act in respect of any commodity, other than an insurance or banking service, affected by the operation of that harmful business practice;
- 40 (b) by notice in the *Gazette* declare the said harmful business practice to be unlawful, and direct any person who in the opinion of the Minister is concerned in the harmful business practice to take such action, including steps for the dissolution of any body, corporate or unincorporate, or the severance of any connection or form of association between two or more persons, including any such bodies, as the Minister may consider necessary to ensure the discontinuance or prevention of the harmful business practice;
- 45 (c) by notice in the *Gazette* direct any person who is or was a party to an agreement, arrangement, understanding or omission, or uses or has used any advertising or type of advertising, or applies or has applied a scheme, practice or method of trading, including any method of marketing or distribution, or commits or has committed an act, or brings or has brought about a situation, or has or had any interest in a business or type of business or derives or derived any income from a business or type of business, which in the opinion of the Minister is connected with the said harmful business practice and which may be specified in the notice—
- 50 (i) to terminate or to cease to be a party to that agreement, arrangement, understanding or omission;
- 55 (ii) to refrain from using that advertising or type of advertising;
- 60 (iii) to refrain from applying that scheme, practice or method of trading;

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- (iv) om op te hou om daardie handeling te verrig of daardie toestand teweeg te bring;
- (v) om op te hou om enige belang in daardie besigheid of tipe besigheid te hê of enige inkomste daaruit te verkry;
- (vi) om te gener tyd— 5
 - (aa) 'n party by enige ooreenkoms, reëling, verstandhouding of ver-
suim te word nie;
 - (bb) enige tipe reklame te gebruik nie;
 - (cc) enige skema, praktyk of handelsmetode toe te pas nie; of
 - (dd) enige handeling te verrig of enige toestand teweeg te bring nie, 10
wat van 'n in die kennisgewing vermelde aard is en wat volgens die
oordeel van die Minister waarskynlik vir die doeleindes van of in
verband met die skepping of handhawing van enige skadelike sake-
praktyk aangewend sal word;
- (vii) om te gener tyd enige belang in 'n besigheid of tipe besigheid in die 15
kennisgewing vermeld, te bekom of enige inkomste daaruit te verkry
nie.

(2) Indien die Minister, na oorweging van 'n verslag deur die komitee ingevolge artikel 10 (1) met betrekking tot 'n ondersoek ingevolge artikel 8 (1) (c), van oordeel is dat die prys van, of enige prysverhoging, vermindering van afslag of metode om 20
pryse vas te stel met betrekking tot, enige handelsartikel nie in die openbare belang
geregverdig is nie, kan die Minister—

- (a) die Pryskontroleur versoek om kragtens die Wet op Prysbeheer, 1964, die
maksimumprys of die maksimumbedrag, na gelang van die geval, beoog in
artikel 4 (1) van daardie Wet, ten opsigte van daardie handelsartikel vas te 25
stel;
- (b) enige persoon by skriftelike kennisgewing verbied om die prys van enige
handelsartikel of klas of soort handelsartikel te verhoog, of enige afslag ten
opsigte van enige handelsartikel of klas of soort handelsartikel te vermin-
der, tensy daardie persoon vir die tydperk en op die wyse deur die Minister 30
in die kennisgewing voorgeskryf, van die voorgenome prysverhoging of
vermindering van afslag kennis gegee het.

(3) Na verdere ondersoek deur die komitee kan die Minister die Pryskontroleur
versoek om die vasstelling van 'n maksimumprys of 'n maksimumbedrag in subar-
tikel (1) (a) of 2 (a) beoog, kragtens die Wet op Prysbeheer, 1964, in te trek of te 35
wysig.

(4) 'n Kennisgewing kragtens subartikel (1) (b) of (c)—

- (a) word nie gepubliseer nie tensy die tersaaklike verslag van die komitee
kragtens artikel 10 (4) (b) in die *Staatskoerant* gepubliseer of op enige ander 40
wyse deur die Minister bekend gemaak is;
- (b) tree, behoudens subartikel (5), in werking op 'n datum deur die Minister
bepaal en in die kennisgewing genoem;
- (c) kan die vereistes voorskryf wat die Minister nodig ag om die oogmerke van
daardie kennisgewing te verwesenlik, en die persone vermeld wat aan die
bepalings van die kennisgewing of daardie vereistes moet voldoen, asook 45
die tydperke waarin en die voorwaardes waarop enige sodanige persoon
aan daardie bepalinge of vereistes moet voldoen;
- (d) kan te eniger tyd, na verdere ondersoek deur die komitee, by kennisgewing
in die *Staatskoerant* deur die Minister ingetrek of op die wyse wat hy 50
goedvind, gewysig word.

(5) Indien 'n appèl ingevolge artikel 13 (5) by die Minister ingedien word ten
opsigte van 'n kennisgewing kragtens subartikel (1) (b) of (c) van hierdie artikel,
word die werking van daardie kennisgewing nie opgeskort nie tensy die spesiale hof
wat daardie appèl verhoor, op aansoek van die betrokke appellant aldus gelas, in
welke geval daardie kennisgewing, behoudens die bevel van daardie hof, in werking 55
tree op 'n datum wat die Minister bepaal en by kennisgewing in die *Staatskoerant*
bekend maak, maar nie vroeër nie as die datum van die kennisgewing in artikel 13
(14) bedoel.

- (6) (a) Indien die Minister, na oorweging van 'n verslag deur die komitee
ingevolge artikel 10 (1) met betrekking tot 'n ondersoek ingevolge artikel 8 60
(1) (b), van oordeel is dat dit in die openbare belang is, kan hy by
kennisgewing in die *Staatskoerant*—

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- (iv) to cease to commit that act or to bring about that situation;
- (v) to cease to have any interest in that business or type of business or to derive any income therefrom;
- (vi) to refrain from at any time—

- 5 (aa) becoming a party to any agreement, arrangement, understanding or omission;
- (bb) using any type of advertising;
- (cc) applying any scheme, practice or method of trading; or
- 10 (dd) committing any act or bringing about any situation, of a nature specified in the notice and which in the opinion of the Minister is likely to be applied for the purposes of or in connection with the creation or maintenance of any harmful business practice;
- 15 (vii) to refrain from at any time obtaining any interest in or deriving any income from a business or type of business specified in the notice.

(2) If the Minister, after consideration of a report by the committee in terms of section 10 (1) in relation to an investigation in terms of section 8 (1) (c), is of the opinion that the price of, or any price increase, reduction of discount or method of fixing prices in relation to, any commodity is not justified in the public interest, the Minister may—

- (a) request the Price Controller to fix, under the Price Control Act, 1964, the maximum price or the maximum charge, as the case may be, contemplated in section 4 (1) of that Act, in respect of that commodity;
- 25 (b) by notice in writing prohibit any person from increasing the price of, or from reducing any discount in respect of, any commodity or class or kind of commodity, unless that person has, for such period and in such manner as may be prescribed by the Minister in the notice, given notice of the proposed price increase or reduction of discount.

(3) After further investigation by the committee, the Minister may request the Price Controller to withdraw or amend, under the Price Control Act, 1964, the fixing of a maximum price or a maximum charge contemplated in subsection (1) (a) or (2) (a).

(4) A notice under subsection (1) (b) or (c)—

- 35 (a) shall not be published unless the relevant report of the committee has under section 10 (4) (b) been published in the *Gazette* or made known by the Minister in any other manner;
- (b) shall, subject to subsection (5), come into operation on a date determined by the Minister and mentioned in the notice;
- 40 (c) may prescribe such requirements as the Minister may consider necessary to achieve the objects of that notice, and specify the persons by whom the terms of the notice or those requirements shall be complied with, and the periods within which and the conditions subject to which those terms or requirements shall be complied with by any such person;
- 45 (d) may at any time, after further investigation by the committee, by notice in the *Gazette* be withdrawn by the Minister or be amended by him in such manner as he may deem fit.

(5) If an appeal is lodged with the Minister in terms of section 13 (5) in respect of a notice under subsection (1) (b) or (c) of this section, the operation of that notice shall not be suspended unless the special court hearing that appeal, on application by the appellant concerned, so directs, in which case that notice shall, subject to the order of that court, come into operation on such date as the Minister may determine and make known by notice in the *Gazette*, but not earlier than the date of the notice referred to in section 13 (14).

55 (6) (a) If the Minister, after consideration of a report by the committee in terms of section 10 (1) in relation to an investigation in terms of section 8 (1) (b), is of the opinion that it is in the public interest, he may by notice in the *Gazette*—

- (i) enige sakepraktyk of tipe sakepraktyk wat die onderwerp van die ondersoek was, onwettig verklaar, hetsy in die algemeen of ten opsigte van 'n besondere gebied, na gelang die ondersoek van algemene aard was of met betrekking tot 'n besondere gebied geskied het;
- (ii) enigiemand verbied om 'n ooreenkoms, reëling of verstandhouding aan te gaan of 'n party daarby te wees of te bly, of om reklame te gebruik, of om 'n skema, praktyk of handelsmetode toe te pas, of om 'n handeling te verrig, of 'n toestand teweeg te bring, wat die onderwerp van die ondersoek was, hetsy geheel en al of in die mate in die kennisgewing vermeld, of onderworpe aan 'n voorwaarde of vrystelling aldus vermeld of aan 'n vrystelling beoog in paragraaf (c);
- (iii) enige sakepraktyk of tipe sakepraktyk wat die onderwerp van die ondersoek was, reël deur voorwaardes of vereistes voor te skryf waaraan voldoen moet word ten opsigte daarvan, mits die Minister minstens een maand voor die datum van publikasie van die kennisgewing die teks van die voorgenome kennisgewing in die *Staatskoerant* gepubliseer het, tesame met 'n verklaring van sy voorneme om so 'n kennisgewing uit te reik.
- (b) 'n Kennisgewing kragtens paragraaf (a) kan te eniger tyd, na verdere ondersoek deur die komitee, by kennisgewing in die *Staatskoerant* deur die Minister ingetrek of op die wyse wat hy goedvind, gewysig word, mits hy, in die geval van so 'n wysiging, minstens een maand voor die datum van publikasie van die wysigingskennisgewing die teks van die voorgenome wysigingskennisgewing in die *Staatskoerant* gepubliseer het, tesame met 'n verklaring van sy voorneme om die wysigingskennisgewing uit te reik.
- (c) Die Minister kan, op aanbeveling van die komitee, in 'n besondere geval skriftelike vrystelling verleen van 'n verbod, voorwaarde of vereiste beoog in paragraaf (a), in die mate en vir die tydperk en onderworpe aan die voorwaardes in die vrystelling vermeld.
- (7) Enigiemand wat 'n kennisgewing kragtens hierdie artikel gepubliseer of gegee oortree of versuim om daaraan te voldoen, is aan 'n misdryf skuldig.

Appelle teen beslissings van Minister

- 13. (1) Daar is 'n reg van appel deur enigiemand wat deur 'n kennisgewing kragtens artikel 12 (1) (b) of (c) geraak word, na 'n spesiale hof.
- (2) Die Staatspresident kan by proklamasie in die *Staatskoerant* 'n spesiale hof instel, met regsbevoegdheid in die regsgebied van enige provinsiale of plaaslike afdeling van die Hooggeregshof van Suid-Afrika.
- (3) 'n Spesiale hof bestaan uit—
 - (a) 'n president, wat 'n regter of 'n waarnemende regter van die Hooggeregshof van Suid-Afrika is, aangewys deur die Regter-president van die provinsiale afdeling van die Hooggeregshof van Suid-Afrika wat regsbevoegdheid het in die gebied ten opsigte waarvan die spesiale hof ingestel is; en
 - (b) twee ander lede deur die Staatspresident by proklamasie in die *Staatskoerant* aangestel, van wie—
 - (i) een iemand moet wees wat 'n universiteitsgraad in die ekonomie besit en volgens die oordeel van die Staatspresident deeglike kennis van die ekonomie het; en
 - (ii) een iemand moet wees wat volgens die oordeel van die Staatspresident breë ondervinding van nywerheids-, handels- of finansiële aangeleenthede het.
- (4) 'n Lid van 'n spesiale hof aangestel kragtens subartikel (3) (b)—
 - (a) wat nie in die heeltydse diens van die Staat is nie, word die besoldiging en toelaes betaal wat die Minister na oorlegpleging met die Minister van Justisie en met die instemming van die Minister van Finansies bepaal;
 - (b) ontruim sy amp indien hy as lid bedank of indien die Staatspresident te eniger tyd sy ampstermyn beëindig indien daar volgens die oordeel van die Staatspresident gegronde redes daarvoor is.

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- 5 (i) declare to be unlawful any business practice or type of business practice which was the subject of the investigation, either generally or in respect of a particular area, depending upon whether the investigation was of a general nature or was undertaken in relation to a particular area;
- 10 (ii) prohibit any person from entering into or being or continuing to be a party to an agreement, arrangement or understanding, or from using advertising, or from applying a scheme, practice or method of trading, or from committing an act, or from bringing about a situation, which was the subject of the investigation, either wholly or to the extent specified in the notice, or subject to a condition or exemption so specified or to an exemption contemplated in paragraph (c);
- 15 (iii) regulate any business practice or type of business practice which was the subject of the investigation, by prescribing conditions or requirements which must be complied with in respect thereof, provided the Minister has, not less than one month before the date of publication of the notice, published the text of the proposed notice in the *Gazette*, together with a statement of his intention to issue such a notice.
- 20 (b) A notice under paragraph (a) may at any time, after further investigation by the committee, by notice in the *Gazette* be withdrawn by the Minister or be amended by him in such manner as he may deem fit, provided, in the case of such an amendment, he has not less than one month before the date of publication of the amending notice published the text of the proposed amending notice in the *Gazette*, together with a statement of his intention to issue the amending notice.
- 25 (c) The Minister may, on the recommendation of the committee, in a particular case in writing grant exemption from a prohibition, condition or requirement contemplated in paragraph (a), to such extent and for such period and subject to such conditions as may be specified in the exemption.
- 30 (7) Any person who contravenes a notice published or given under this section or who fails to comply therewith shall be guilty of an offence.

Appeals from Minister's decisions

13. (1) There shall be a right of appeal by any person affected by a notice under section 12 (1) (b) or (c), to a special court.
- 35 (2) The State President may by proclamation in the *Gazette* establish a special court, with jurisdiction in the area of jurisdiction of any provincial or local division of the Supreme Court of South Africa.
- (3) A special court shall consist of—
- 40 (a) a president, who shall be a judge or an acting judge of the Supreme Court of South Africa, designated by the Judge President of the provincial division of the Supreme Court of South Africa having jurisdiction in the area in respect of which the special court was established; and
- (b) two other members appointed by the State President by notice in the *Gazette*, of whom—
- 45 (i) one shall be the holder of a university degree in economics who in the opinion of the State President has a thorough knowledge of economics; and
- (ii) one shall be a person who in the opinion of the State President has wide experience of industrial, commercial or financial matters.
- 50 (4) A member of a special court appointed under subsection (3) (b)—
- (a) who is not in the full-time service of the State, shall be paid such remuneration and allowances as the Minister may determine after consultation with the Minister of Justice and with the concurrence of the Minister of Finance;
- 55 (b) shall vacate his office if he resigns as a member or if the State President at any time terminates his period of office as a member if in the opinion of the State President there are sound reasons for doing so.

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- (5) (a) 'n Appèl ingevolge hierdie artikel moet skriftelik by die Minister ingedien word binne ses weke na die datum van publikasie van die kennisgewing waarop die appèl betrekking het, en moet die gronde waarop die appèl berus, uiteensit.
- (b) Die Minister moet so gou doenlik na die indiening van 'n appèl by hom, van daardie indiening in die *Staatskoerant* kennis gee. 5
- (6) Die datum, tyd en plek van die verhoor van 'n appèl moet deur die president van die betrokke spesiale hof bepaal word en moet minstens 30 dae voor daardie datum skriftelik deur die Minister aan die appellant bekend gemaak word.
- (7) By die verhoor van 'n appèl kan die Minister verteenwoordig word deur iemand wat hy aanwys, en kan die appellant persoonlik verskyn of deur sy advokaat, prokureur of agent verteenwoordig word. 10
- (8) 'n Verhoor kan van tyd tot tyd deur die president van die betrokke spesiale hof verdaag word tot 'n datum, tyd en plek wat hy goedvind.
- (9) Die sittings van 'n spesiale hof word in die openbaar gehou, maar die president van die hof kan enigiemand wie se aanwesigheid nie nodig is nie van aanwesigheid aldaar uitsluit of hom gelas om hom daaraan te onttrek. 15
- (10) 'n Spesiale hof kan na oorweging van 'n appèl die kennisgewing waarop die appèl betrekking het, bekragtig of tersyde stel of wysig op die wyse wat hy billik ag, en kan die bevel wat hy regverdig ag met betrekking tot koste verleen. 20
- (11) Die beslissing van 'n meerderheid van die lede van 'n spesiale hof is die beslissing van die hof, maar slegs die president beslis 'n regsvraag, en of enige aangeleentheid 'n regsvraag of 'n feitevraag uitmaak, en vir dié doel sit hy alleen.
- (12) 'n Bevel met betrekking tot koste deur 'n spesiale hof verleen, het die uitwerking en word ten uitvoer gelê asof dit gegee was in die loop van 'n geding voor die betrokke afdeling van die Hooggeregshof van Suid-Afrika in subartikel (2) bedoel. 25
- (13) Die beslissing van 'n spesiale hof is nie aan hersiening deur of appèl na enige geregshof onderworpe nie.
- (14) 'n Bevel van 'n spesiale hof wat die kennisgewing waarop die bevel betrekking het, bekragtig, tersyde stel of wysig, moet deur die Minister by kennisgewing in die *Staatskoerant* bekend gemaak word, en enige wysiging wat deur so 'n bevel aan 'n kennisgewing aangebring word, geld asof dit 'n wysiging is wat kragtens artikel 12 (4) (d) aangebring is.
- (15) Artikels 84 en 85 van die Inkomstebelastingwet, 1962 (Wet No. 58 van 1962), en die regulasies kragtens genoemde artikel 84 uitgevaardig, is *mutatis mutandis* van toepassing met betrekking tot 'n spesiale hof. 35

Geheimhouding

14. (1) Niemand mag, behalwe vir die doeleindes van die verrigting van sy werksaamhede ingevolge hierdie Wet of vir die doeleindes van geregtelike verrigtinge kragtens hierdie Wet of wanneer dit deur 'n geregshof of kragtens 'n wet van hom vereis word, enige inligting wat deur hom by die verrigting van sy werksaamhede ingevolge hierdie Wet verkry is en wat op die besigheid of sake van iemand anders betrekking het, aan enigiemand anders openbaar nie. 40
- (2) Enigiemand wat subartikel (1) oortree, is aan 'n misdryf skuldig. 45

Strawwe

15. Iemand is by skuldigbevinding weens—

- (a) 'n misdryf kragtens artikel 6 (3) of 8 (7), strafbaar met 'n boete van hoogstens R20 000 of met gevangenisstraf vir 'n tydperk van hoogstens twee jaar of met daardie boete sowel as daardie gevangenisstraf; 50
- (b) 'n misdryf kragtens artikel 12 (7) met betrekking tot 'n kennisgewing wat in die *Staatskoerant* gepubliseer is, of kragtens artikel 11 (3), strafbaar met 'n boete van hoogstens R200 000 of met gevangenisstraf vir 'n tydperk van hoogstens vyf jaar of met daardie boete sowel as daardie gevangenisstraf; 55
- (c) enige ander misdryf kragtens hierdie Wet, strafbaar met 'n boete van hoogstens R4 000 of met gevangenisstraf vir 'n tydperk van hoogstens 12 maande of met daardie boete sowel as daardie gevangenisstraf.

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- (5) (a) An appeal in terms of this section shall be lodged with the Minister in writing within six weeks after the date of publication of the notice to which the appeal relates, and shall set forth the grounds on which the appeal is based.
- 5 (b) The Minister shall as soon as practicable after the lodging of an appeal with him, give notice of that lodging in the *Gazette*.
- (6) The date, time and place for the hearing of an appeal shall be determined by the president of the special court concerned and shall be made known in writing to the appellant by the Minister not less than 30 days before that date.
- 10 (7) At the hearing of an appeal, the Minister may be represented by a person designated by him, and the appellant may appear in person or be represented by his advocate, attorney or agent.
- (8) A hearing may from time to time be adjourned by the president of the special court concerned to such date, time and place as he may deem fit.
- 15 (9) The sittings of a special court shall be held in public, but the president of the court may exclude from being present thereat or direct to withdraw therefrom any person whose attendance is not necessary.
- (10) A special court may after consideration of an appeal, confirm or set aside the notice to which the appeal relates or amend it in such manner as it may deem
- 20 equitable, and may make such orders as to costs as it may deem just.
- (11) The decision of a majority of the members of a special court shall be the decision of the court, but the president alone shall decide any question of law, and whether any matter constitutes a question of law or a question of fact, and for that purpose he shall sit alone.
- 25 (12) An order in relation to costs made by a special court shall have effect and may be enforced as if it had been given in the course of proceedings before the division of the Supreme Court of South Africa referred to in subsection (2).
- (13) The decision of a special court shall not be subject to review by or appeal to any court of law.
- 30 (14) An order of a special court confirming, setting aside or amending the notice to which the order relates, shall be made known by the Minister by notice in the *Gazette*, and any amendment made to a notice by such an order shall have effect as if it were an amendment made under section 12 (4) (d).
- (15) Sections 84 and 85 of the Income Tax Act, 1962 (Act No. 58 of 1962), and
- 35 the regulations made under the said section 84, shall *mutatis mutandis* apply with reference to a special court.

Preservation of secrecy

14. (1) No person shall, except for the purposes of the performance of his functions in terms of this Act or for the purposes of legal proceedings under this Act or when
- 40 required to do so by a court of law or under a law, disclose to any other person any information acquired by him in the performance of his functions in terms of this Act and relating to the business or affairs of any other person.
- (2) Any person who contravenes subsection (1) shall be guilty of an offence.

Penalties

- 45 15. A person shall be liable on conviction of—
- (a) an offence under section 6 (3) or 8 (7), to a fine not exceeding R20 000 or to imprisonment for a period not exceeding two years or to both that fine and that imprisonment;
- 50 (b) an offence under section 12 (7) in relation to a notice published in the *Gazette*, or under section 11 (3), to a fine not exceeding R200 000 or to imprisonment for a period not exceeding five years or to both that fine and that imprisonment;
- (c) any other offence under this Act, to a fine not exceeding R4 000 or to imprisonment for a period not exceeding 12 months or to both that fine and
- 55 that imprisonment.

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Regulasies

16. (1) Die Minister kan op aanbeveling van die komitee by kennisgewing in die *Staatskoerant* regulasies uitvaardig—

- (a) om enige handeling, optrede of praktyk in verband met die gebruik van handelskoepons te verbied of te reël; 5
 - (b) wat die prosedure voorskryf wat in verband met die behandeling en verhoor van appèlle ingevolge artikel 13 gevolg moet word;
 - (c) aangaande enige aangeleentheid wat ingevolge hierdie Wet by regulasie voorgeskryf moet of kan word;
 - (d) aangaande enige aangeleentheid wat hy nodig ag om voor te skryf ten einde 10 aan die oogmerke van hierdie Wet gevolg te gee.
- (2) 'n Regulasie kan strawwe voorskryf vir 'n oortreding daarvan of versuim om daaraan te voldoen wat 'n boete van R4 000 of gevangenisstraf vir 'n tydperk van 12 maande nie te bowe gaan nie.

Beperking van aanspreeklikheid

15

17. Niemand, met inbegrip van die Staat, is aanspreeklik nie ten opsigte van enigiets wat te goeder trou kragtens hierdie Wet gedoen is.

Toepassing op Staat

18. Hierdie Wet bind die Staat, behalwe vir sover dit strafregtelike aanspreeklikheid betref. 20

Siviele regsmiddels nie uitgesluit nie

19. Geen bepaling van hierdie Wet word uitgelê as sou dit enigiemand enige siviele regsmiddel ontnem nie.

Herroeping van Wet 76 van 1976, en voorbehoud

20. (1) Die Wet op Handelspraktyke, 1976, word hierby herroep, behoudens 25 subartikel (2).

(2) Die herroeping van artikels 1, 9, 10, 13 en 19 van die Wet op Handelspraktyke, 1976, tree in werking op 'n datum wat die Minister by kennisgewing in die *Staatskoerant* bepaal.

(3) Behoudens subartikel (4) bly 'n kennisgewing gepubliseer kragtens 'n bepaling 30 van die Wet op Handelspraktyke, 1976, van krag totdat daardie kennisgewing deur die Minister gewysig of ingetrek word.

(4) Goewermentskennisgewing R.338 van 15 Februarie 1985 word hierby herroep.

Kort titel en inwerkingtreding

21. Hierdie Wet heet die Wet op Skadelike Sakepraktyke, 1988, en tree in werking 35 op 'n datum wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal.

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Regulations

16. (1) The Minister may on the recommendation of the committee by notice in the *Gazette* make regulations—

- 5 (a) prohibiting or regulating any act, conduct or practice in connection with the use of trade coupons;
- (b) prescribing the procedure to be observed in connection with the conduct and hearing of appeals in terms of section 13;
- (c) regarding any matter which in terms of this Act is required or permitted to be prescribed by regulation;
- 10 (d) regarding any matter which he considers it necessary to prescribe in order to give effect to the objects of this Act.

(2) A regulation may prescribe penalties for a contravention thereof or failure to comply therewith, not exceeding a fine of R4 000 or imprisonment for a period of 12 months.

15 Limitation of liability

17. No person, including the State, shall be liable in respect of anything done in good faith under this Act.

Application to State

18. This Act shall bind the State, except in so far as criminal liability is concerned.

20 Civil remedies not excluded

19. No provision of this Act shall be construed as depriving any person of any civil remedy.

Repeal of Act 76 of 1976, and savings

20. (1) The Trade Practices Act, 1976, is hereby repealed, subject to subsection (2).

(2) The repeal of sections 1, 9, 10, 13 and 19 of the Trade Practices Act, 1976, shall come into operation on a date fixed by the Minister by notice in the *Gazette*.

(3) Subject to subsection (4), a notice published under the Trade Practices Act, 1976, shall remain in force until that notice is amended or withdrawn by the Minister.

30 (4) Government Notice R.338 of 15 February 1985 is hereby withdrawn.

Short title and commencement

21. This Act shall be called the Harmful Business Practices Act, 1988, and shall come into operation on a date fixed by the State President by proclamation in the *Gazette*.

